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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/070,106

02/27/2002

Tomihisa Kamada

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P. O. BOX 82788

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EXAMINER

HASHEM, LISA

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/070,106

Applicant(s)

KAMADA, TOMIHISA

Examiner

Lisa Hashem

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **FINAL DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4, 8, 9, 14, and 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 8, 9, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 6,512,919 by Ogasawara in view of U.S. Pat. 6,799,165 by Boesjes.

Regarding claim 1, Ogasawara discloses a method for providing storage areas (Fig. 2: 50, 52; Fig. 9) in a storage server (Fig. 1, 10; Fig. 2, 10; col. 9, lines 6-42) for a plurality of portable data terminals (col. 9, lines 6-8 and 33-65; Fig. 1, 18) connected over a network (Fig. 1; col. 4, line 66 – col. 5, line 20), said method comprising the steps of:

allocating a uniquely dedicated storage area for each user of users of said plurality of portable data terminals (Fig. 2: 50, 52; Fig. 9; col. 9, lines 6-65);

storing software (e.g. purchase transaction program), which is requested on the network by one of the users, into one of the dedicated storage areas (e.g. different purchase transaction programs stored in Fig. 2, 52) uniquely allocated to said one of the users of the storage server (e.g. the claimed uniquely allocated reads on different download program IDs that represent different

Art Unit: 2614

purchase transaction programs or dedicated storage areas) without sending the software directly to a portable data terminal of said one of the users (col. 9, lines 6-65; col. 12, lines 51-63); and making available the software, stored in one of the dedicated storage areas in said storage server, to said one of the users in response to a request from said one of the users (col. 12, line 8 – col. 14, line 19).

Ogasawara does not disclose purchasing the software at a software sales site.

Boesjes discloses a method for providing storage areas (Fig. 2, 120; Fig. 3, 132; Fig. 4, 142) in a storage server (Fig. 3, 100) for a plurality of users (col. 6, line 59 – col. 7, line 1; col. 7, line 65 – col. 8, line 2) connected over a network (col. 6, lines 1-39), said method comprising the steps of:

allocating a uniquely dedicated storage area for each user (Fig. 3, 132; Fig. 4, 142); storing software (e.g. digitally transferable good), which is purchase-requested at a software sales site (e.g. web site) on the network by one of the users, from the software sales site into the dedicated storage area uniquely allocated to said one of the users of the storage server without sending the software from the software sales site directly to said one of the users (col. 5, lines 40-51; col. 9, line 5 – col. 10, line 2; col. 10, lines 19-25); and making available the software, stored in one of the dedicated storage areas in said storage server, to said one of the users in response to a request from said one of the users (col. 9, line 65 – col. 10, line 2; col. 10, lines 19-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ogasawara to include purchasing the software at a software sales site as taught by Boesjes. One of ordinary skill in the art would have been lead to make

Art Unit: 2614

such a modification to provide a user a way to purchase the software remotely at a web site and have the purchased software stored in a storage server temporarily until the user requests for the purchased software and the portable data terminal of the user has capacity to store the software.

Regarding claim 3, the method for providing storage areas according to claim 1, wherein Ogasawara in view of Boesjes further discloses further comprising the step of charging one of the users for the purchase-requested software when the purchase-request is made, when said one of the users downloads the software from said one of the dedicated storage areas, or when said one of the users indicates an intention to continue to use after a trial period passes after the downloading (Boesjes: col. 8, line 35 – col. 9, line 4).

Regarding claim 8, Ogasawara further discloses a storage server (Fig. 1, 10; Fig. 2, 10; col. 9, lines 6-42) connected to a plurality of portable data terminals (col. 9, lines 6-8 and 33-65; Fig. 1, 18) over a network (Fig. 1; col. 4, line 66 – col. 5, line 20), said storage server comprising:

a storage unit (Fig. 2, 52) having dedicated storage areas (e.g. different purchase transaction programs stored in Fig. 2, 52), each uniquely allocated to an individual user of one of said plurality of portable data terminals (e.g. the claimed uniquely allocated reads on different download program IDs that represent different purchase transaction programs or dedicated storage areas) (col. 9, lines 6-65);

means for receiving software (e.g. purchase transaction program), which is requested by one of the users of said plurality of portable data terminals on the network for storing the software into one of the dedicated storage areas uniquely allocated to said one of the users (col. 9, lines 6-65; col. 12, lines 51-63);

Art Unit: 2614

a management table storing therein management information about the software stored in the dedicated storage areas of the users (Fig. 9; col. 9, lines 6-65); and means for referencing said management table in response to access from one of the users and for sending the software, which is stored in one of the dedicated storage areas uniquely allocated to said one of the users, to the portable data terminal of said one of the users (col. 9, lines 6-65; col. 12, lines 51-63; col. 12, line 8 – col. 14, line 19).

Ogasawara does not disclose purchasing the software at a software sales site.

Boesjes further discloses a storage server (Fig. 1, 100) in a network (col. 6, lines 1-39), said storage server comprising:

a storage unit having dedicated storage areas (Fig. 3, 132; Fig. 4, 142) (col. 6, line 59 – col. 7, line 1; col. 7, line 65 – col. 8, line 2);

means for receiving software (e.g. digitally transferable good), which is purchase-requested by one of the users of said plurality of users on the network for storing the software into a dedicated storage area uniquely allocated to said one of the users (col. 5, lines 40-51; col. 9, line 5 – col. 10, line 2; col. 10, lines 19-25);

a management table (Fig. 3, 330; Fig. 4, 430) storing therein management information about the software stored in the dedicated storage area of the user (col. 8, lines 35-63; col. 9, lines 5-44);

and

means for referencing said management table in response to access from one of the users and for sending the software, which is stored in the dedicated storage areas uniquely allocated to said one of the users (col. 9, line 5 – col. 10, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the storage server of Ogasawara to include purchasing the software at a software sales site as taught by Boesjes. One of ordinary skill in the art would have been lead to make such a modification to provide a user a way to purchase the software remotely at a web site and have the purchased software stored in a storage server temporarily until the user requests for the purchased software and the portable data terminal of the user has capacity to store the software.

Regarding claim 9, the storage server according to claim 8, wherein Ogasawara in view of Boesjes further discloses said storage unit further comprises a common storage area in which an application program body is stored as the software for common use by a plurality of users (Ogasawara: col. 9, line 66 – col. 10, line 10) and wherein data associated with the application program body and corresponding to each user is stored separately in the dedicated storage area of the user (Boesjes: Fig. 3, 330; Fig. 4, 430; col. 8, lines 35-63; col. 9, lines 5-44).

Regarding claim 14, the method for providing storage areas according to claim 1, wherein Ogasawara in view of Boesjes further discloses further comprising the steps of: accepting a purchase request of software from one of the users at the software sales site; and receiving, according to said purchase request, the purchase-requested software or identification information associated therewith at a site of said storage server such that said purchase-requested software or identification information associated therewith is stored into said one of the dedicated storage areas uniquely allocated to one of the users (Ogasawara: col. 9, lines 6-65; col. 12, lines 51-63; Boesjes: col. 9, lines 5-44).

Regarding claim 15, the method for providing a storage areas according to claim 1, wherein Ogasawara in view of Boesjes further discloses said step of storing software into one of the dedicated storage areas allocated uniquely to said one of the users, is performed after the software is purchase-requested at a software sales site on the network by the said one of the users (Ogasawara: col. 9, lines 6-65; col. 12, lines 51-63; Boesjes: col. 9, line 5 – col. 10, line 1).

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Boesjes as applied to claim 1, and in further view of Zilliacus.

Regarding claim 2, the method for providing storage areas according to claim 1, wherein Ogasawara in view of Boesjes do not disclose an expiration date until which said one of the users is allowed to use the software stored in said storage server is set.

Zilliacus discloses a method for providing a storage area in a storage server (e.g. PC) for a portable data terminal (Fig. 1, 110; Fig. 2, 210) connected over a network (Figs. 1, 2; col. 5, lines 38-40; col. 6, lines 1-17), said method comprising the steps of: allocating a uniquely dedicated storage area for each user (col. 6, lines 1-17) (e.g. user of the mobile terminal uses a PC for a downloading service); storing software, which is purchase-requested at a software sales site on the network by a user into the dedicated storage area allocated uniquely to the user of the storage server without sending the software from the site directly to a portable data terminal of the user (col. 6, lines 1-17; col. 7, lines 1-15); and making available the software, stored in the dedicated storage area in said storage server, to the user in response to a request from the user (col. 7, lines 11-15; col. 8, lines 29-38).



Wherein Zilliacus further discloses an expiration date until which the user is allowed to use the software stored in said storage server is set, further comprising the step of making the software, which is in the dedicated storage area, unavailable to the user after the expiration date (e.g. wherein the application will delete itself automatically, even if the application is stored on the PC because the application is formatted with a lifetime) (col. 6, lines 1-67; col. 7, line 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ogasawara in view of Boesjes to include an expiration date until which said one of the users is allowed to use the software stored in said storage server is set as taught by Zilliacus. One of ordinary skill in the art would have been lead to make such a modification to provide a user a way to purchase the software remotely at a web site for a predetermined time in order for the user to 'lease' the software within a period of time.

Regarding claim 4, the method for providing a storage areas according to claim 1, wherein Ogasawara in view of Boesjes storing software, which is not purchase-requested by one of the users (Boesjes: Fig. 1, 120; col. 7, line 59 – col. 8, line 27).

However, Ogasawara in view of Boesjes do not disclose further comprising the steps of: storing software, which is not purchase-requested by one of the users, into one of the dedicated storage areas uniquely allocated to said one of the users; allowing said one of the users to select the software not purchase-requested; and charging said one of the users for the software when said one of the users downloads the selected software or when said one of the users indicates an intention to continue to use after a trial period.

Zilliacus discloses a method for providing a storage area in a storage server (e.g. PC) for a portable data terminal (Fig. 1, 110; Fig. 2, 210) connected over a network (Figs. 1, 2; col. 5, lines 38-40; col. 6, lines 1-17), said method comprising the steps of:

allocating a uniquely dedicated storage area for each user (col. 6, lines 1-17) (e.g. user of the mobile terminal uses a PC for a downloading service);

storing software, which is purchase-requested at a software sales site on the network by a user into the dedicated storage area allocated uniquely to the user of the storage server without sending the software from the site directly to a portable data terminal of the user (col. 6, lines 1-17; col. 7, lines 1-15); and making available the software, stored in the dedicated storage area in said storage server, to the user in response to a request from the user (col. 7, lines 11-15; col. 8, lines 29-38).

Wherein, Zilliacus further discloses further comprising the steps of:

storing software, which is not purchase-requested by the user (e.g. initially downloading an application without a fee), into the dedicated storage area (e.g. PC);

allowing the user to select the software not purchase-requested; and

charging the user for the software when the user downloads the selected software or when the user indicates an intention to continue to use after a trial period (e.g. downloading the same application on a different occasion for a reduced fee) (col. 7, line 27 – col. 8, line 37; col. 8, line 61 – col. 9, line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ogasawara in view of Boesjes to include storing software, which is not purchase-requested by the user into a dedicated storage area of a user as taught by

Art Unit: 2614

Zilliaccus. One of ordinary skill in the art would have been lead to make such a modification to keep software stored into a dedicated storage area in order to store software that may be selected in the future by the user.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

7. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306 (for formal communications intended for entry)

Art Unit: 2614

**Or call:**


(571) 272-2600 (for customer service assistance)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh  
May 9, 2007

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600